

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

GENE GARD and PAULA GARD,)	
Husband and Wife,)	
)	
Plaintiffs,)	
)	
vs.)	Case Number CIV-21-328-C
)	
TPS-NOPEC GEOPHYSICAL)	
COMPANY; SAEXPLORATION)	
SEISMIC SERVICES (US), LLC;)	
CHESAPEAKE OPERATING, LLC, and)	
APACHE CORPORATION,)	
)	
Defendants.)	

ORDER OF DISMISSAL

Plaintiffs filed the present action seeking to recover damages in state court. At the time of Plaintiffs' filing, Defendant Chesapeake had filed a Chapter 11 Bankruptcy proceeding in the United States District Court for the Southern District of Texas. Defendant Chesapeake now seeks dismissal of Plaintiffs' claim against it, arguing the claim violates the discharge obtained by Defendant Chesapeake in the bankruptcy case. Plaintiffs do not dispute that Defendant Chesapeake filed bankruptcy. Nor do Plaintiffs dispute that their claims against Defendant Chesapeake were stayed as a result of that claim. Rather, Plaintiffs argue they should be permitted to pursue their claims to recover any liability insurance that Defendant Chesapeake has that covers their claims. Whether or not Plaintiffs' claims against Defendant Chesapeake are viable following the bankruptcy proceeding is a decision for the bankruptcy court. What is clear, is that Plaintiffs' claims

cannot proceed in this Court until such time as the bankruptcy court permits. Accordingly, Defendant Chesapeake's Motion to Dismiss will be granted.

For the reasons set forth herein, Defendant Chesapeake's Motion to Dismiss (Dkt. No. 9) is GRANTED. Plaintiffs' claims against Defendant Chesapeake Operating, LLC, are DISMISSED without prejudice. A separate judgment will issue at the close of the case.

IT IS SO ORDERED this 26th day of May 2021.


ROBIN J. CAUTHRON
United States District Judge